

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDYWINE HOMES USA, LLC.
GRETZKY GA, LLC.

Respondent,

v.

ANQURANETT HORTON

Petitioner,

FEDERAL COURT
CASE NO.:

1:22-CV-1926

MAGISTRATE COURT
CASE NO.: 22-1785DS

PETITION FOR REMOVAL AND FEDERAL STAY OF EVICTION
PURSUANT TO 28 USC 1441 (B)

DEFENDANT ANQURANETT HORTON, hereby files this Petition for Removal in the United States District Court for the Northern District of Georgia Atlanta Division of the above stated case number, 22-1785DS, in the State Court of Newton County Georgia in accordance with the provisions of Title 28 U.S.C. 1441(b) Judiciary and Procedure. The proceedings occurring in violation of the Uniform Commercial Code of 15 U.S.C. 1692 with unlawful eviction proceedings. Pursuant to the provisions of Title 28 U.S.C. Section 1441(b) the State Court of Newton County shall not proceed with any eviction against the petitioner until it is remanded or so ordered from the United States District Court.

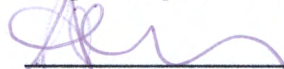
RESPONDENTS, Brandywine Homes, LLC. and its affiliate, Gretzky GA.

LLC. are registered and headquartered in the States of Florida and Georgia, respectively, and are attempting to collect a debt in violation of the Fair Debt Collection Practices Act (FDCPA) of 1978. Accordingly, this action is removable pursuant to 28 U.S.C. 1441(b). The United States Court for the Northern District of Georgia, Atlanta Division has jurisdiction over this action pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1367(a).

A copy of all process, pleadings and orders served upon defendant in the state court action is attached hereto as Exhibit "A".

WHEREFORE, DEFENDANT requests that this action be removed to the United States District Court for the Northern District of Georgia.

Respectfully submitted,



ANQURANETT HORTON

Anquranett Horton
130 Pebble Brooke Ct
Covington, GA 30016

MAGISTRATE COURT OF NEWTON COUNTY, GEORGIADATE FILED 04-22-2022

Dispossessory

CASE NO. 22-1785DS

Brandywine Homes USA, LLC aaf Gretzky GA, LLC

One Alliance Center, 4th Fl, 3500 Lenox Rd

Atlanta, GA 30326

Plaintiff's Name & Address

Anquranett Horton

130 Pebble Brooke Ct

Covington, GA 30016

Defendant's Name & Address

vs.

all other occupants

130 Pebble Brooke Ct

Covington, GA 30016

Defendant's Name & Address (If two or more Defendants)

2022 APR 22 AM 10:45
 MAGISTRATE COURT
 NEWTON COUNTY, GA

AFFIDAVIT - Personally appeared the undersigned affiant who on oath says that affiant is the ☐ owner, ☒ attorney at law, ☐ agent for Plaintiff(s) herein, and that Defendant(s) is/are in possession as tenant(s) of premises at the address stated above, in Newton County, the property of said Plaintiff(s). Plaintiff(s) attest(s) that there are no other person(s)/entity(ies) or known occupant(s) with whom Plaintiff(s) has/have a landlord tenant relationship.

FURTHER THAT: (check applicable claim(s)):

- ☒ tenant fails to pay the rent which is now past due;
☐ tenant holds the premises over and beyond the term for which they were rented or leased to tenant;
☐ tenant is a tenant at sufferance;
☐ Other: _____; and

THAT Plaintiff(s) is/are entitled to recover any and all rent that may come due until this action is finally concluded. Plaintiff(s) desires and has demanded possession of the premises and Defendant(s) has/have failed and refused to deliver said possession. WHEREFORE, Plaintiff(s) demand(s) (a) possession of the premises; (b) past due rent of \$2,325.00; (c) rent accruing up to the date of judgment or vacancy at the rate of \$ 65.00 per day. (Calculate daily rental rate, if seeking rent accruing to date of judgment or vacancy.)
 (d) _____

Sworn to and subscribed before me,
 this 21st day of April, 2022.

Attesting Officer: **KATHLEEN P. KITCHENS**
 Notary Public, Georgia
 Henry County
 My Commission Expires
 May 21, 2024

Affiant ☐ Owner ☒ Attorney at Law ☐ Agent

D. Andrew Folker
 Bar No. 695599

SUMMONS -- To the Sheriff of this County or lawful deputies of the Sheriff -- GREETINGS:

The Defendant(s) is/are commanded and required to file an answer to said affidavit in writing or orally in person at the Magistrate Court of Newton County, Georgia on or before the seventh (7th) day after the date of service of this affidavit and summons. If such answer is not made, a Writ of Possession and/or Judgment shall issue as provided by law. Witness the Honorable Chief Magistrate of said Court.

This 22nd day of April, 2018

Kenna White
 Magistrate or Deputy Clerk

The last possible date to file an answer: May 2nd, 2022